

Minutes of the Meeting of the
Maine Atlantic Salmon Commission Salmon Board
Inland Fisheries & Wildlife Conference Room
Augusta, Maine
September 9, 2003

Attendance: Salmon Commission Board

George Lapointe
R. D. Martin
Paul Frinsko

Salmon Commission Staff

Joan Trial
Karen Bickerman
Peter Ruksznis

Others

See attached attendance list (Attachment 2)

Agenda Item 1 – Introductions and opening remarks

G. LaPointe called the meeting to order at 8:33 a.m. He introduced **R. D. Martin**, Commission of Inland Fisheries and Wildlife and **P. Frinsko** the public member of the board.

G. LaPointe stated that he would talk about Agenda Item 3 – Executive Director hiring process in public and then at the end of the session, but before the board adjourns, because of meeting rules, the board would go into Executive Session to discuss the hiring process. The board would then come back into session, but solely to adjourn. If people wanted to stay to wait for adjournment, they were welcome to do so.

Agenda Item 2 – Approval of the June 16th, 2003 minutes

There were no questions, comments, corrections or additions regarding the minutes.

THE BOARD APPROVED THE JUNE 16, 2003 MINUTES UNANIMOUSLY. (3-0, MOTION BY PAUL FRINSKO, SECONDED BY R. D. MARTIN.)

Agenda Item 3 – Executive Director hiring process

G. LaPointe stated that ASC had been in the process of hiring and Executive Director for some time. The hiring process was open until August 22. He and **J. Trial** met and discussed the applications. Three independent individuals helped to grade the applications with regard to the job description. The board had those rankings and would discuss, in executive session, the people they wanted to interview. He stated he had not spoken to either **R. D. Martin** or **P. Frinsko** about it. They would review the applications, decide the number of folks they wished to interview, and then interviews would be scheduled. **G. LaPointe** stated that he anticipated the process would take another month. He asked the board members if there were any questions. There were none.

He reiterated that the board would go into Executive Session after other business and prior to adjournment to discuss the applications and whom to interview.

Agenda Item 4 – Narraguagus River emergency closure

R. D. Martin stated that on August 22, 2003, the Department of Inland Fisheries and Wildlife (IFW) closed a portion of the Narraguagus River to all fishing. This was done in concurrence with Advisory Committee, which was held on August 21, 2003. Unfortunately, it had to be done by Emergency Rule Making. There is a very exhausting process when rules are made - usually a three to four month process. There is also an emergency provision which is used. Unfortunately, when that provision is used, established cannot exceed 90 days. The bottom line being that the closed portion of the Narraguagus could not exceed 90 days. In reality that meant that section would be closed until September 30, 2003. If ASC or any other group proposes this closure for next season, it will have to go through the regular process. **R. D. Martin** felt that he and **J. Trial** would be working on this in the future. The outcome: that section of the Narraguagus River, which is from the dam to the railroad bridge, was now officially shut down and closed to all fishing for the remainder of the 2003 open water fishing season.

R. D. Martin noted that there had been some opposition. Advisory Council and IF&W believe they did the right thing. **G. LaPointe** stated that DMR had closed part of the Penobscot River several years ago on the down-river side of the Veazie Dam in tidal waters. The closure concentrated the protection in the area where it was needed. In his early tenure as commissioner, there had been discussion about broad reaches of rivers being restricted to identify a problem and target it. He commended **R. D. Martin** for caring enough to do this.

A. Goode said that it sounded like over the winter IF&W and ASC were going through the regular regulations process to try to close that same section of the Narraguagus River for next spring so they wouldn't run into the same problem. **R. D. Martin** replied that if ASC or some other group proposed the closure that would be the process it would take. It was clear to him that they would be going through that process next spring.

Pasquale Scida said that he had talked to a couple of folks Downeast, along the Narraguagus and other places. He had heard nothing by very positive responses from locals that are in the know and other fishermen. He thought there was a lot of support for what was done. Recently he's been hearing about fish being taken in the Wigwams area Downeast and then reports of two black salmon on the Sheepscot in the spring. He wondered if it had ever been followed up on or how much evidence there was of that. He knew from talking to locals there were probably three or four different hot spots in some of the listed rivers where salmon are thought or known to have been taken. Were there any thoughts or plans to closing other sections along with the Narraguagus next year? **J. Trial** stated that if there was corroborative evidence, ASC could bring forward a proposal with several spots as appropriate. **R. D. Martin** agreed saying that he believed they needed to work with staff. It has to be brought to the Advisory Council's attention by either the commission or some other group. **G. LaPointe** stated that they needed to look at each spot issue by issue. How many fish are reported taken? Otherwise, one could incrementally say let's increase here and let's increase there. The risk would be in using too broad a brush and loosing public support.

R. D. Martin explained that there was opposition to the closure. However, **J. Trial** came into the AC meeting and gave an excellent PowerPoint presentation that had all the facts. He believed that was what convinced AC members to concur with his recommendation. He said AC needed to have all the facts and needed to be prepared. Also, ASC had worked closely with IF&W law enforcement division.

P. Scida wanted to commend IF&W for closing that section and for taking action as quickly as they did. He believed there was a lot of support. NOAA and NFWF had sent letters of support. His question was about the process. Was it going to be similar to the emergency rule that is only for 90 days next year, or would it be more of a permanent action. **R. D. Martin** stated that hopefully they wouldn't need to go through the process again by doing the emergency rule. It all depended on how and when data was presented to them. If there were going to be interest in the Narraguagus again next year, he would like to go through the regular rule-making process and to start early. **P. Scida** went on to say that if there are other areas that they looked into that warranted a similar action, targeted specific areas, then it would probably be better to do this process once and not have to do the incremental "well, now, we're going to close another area." Maybe look at the process a little more closely. He hoped that when AC did look at closures for next year, they would be able to look at areas that needed to be protected and do it once. Any support that NOAA could offer, they would.

Gary Arsenault from the Maine Council Atlantic Salmon Federation (MCASF) complimented the decision to shut that section of the Narraguagus down, but the process seemed dreadfully slow. He hated to think how many fish were taken or killed in the process. He asked if there was anything MCASF could do to help lobby for a rule change so that IF&W could get the process

done in 24 hours. **R. D. Martin** replied that the legislature and AC established the process many years ago. It is a deliberate process and works quite well. If the emergency route had not been taken, AC and IFW would have had to wait one to two months longer. The timing was interesting because in August it is often difficult to call emergency meetings. He believed that now that the facts are understood, specifically on the Narraguagus, there is no doubt that **J. Trial** will be before them very early in the spring.

G. Arsenault said to **G. LaPointe** that it seemed like when there were reports of by catch below the Veazie Dam, it took only 24 hours to close the area. **R. D. Martin** replied that **G. LaPointe** did not have AC. **G. LaPointe** replied he believed it was just the statute regarding emergency - which parts of the code. IFW and DMR each have to follow their own codes. **P. Frinsko** stated that they might want to consider giving the Commissioner of IFW the same emergency powers that the DMR Commissioner has. One would have to follow up with a regulation to use those powers, but at least the Commission could close an area, or take immediate action by Commissioner Directive. Then follow up with a regulation through the regular process subsequent to that. **G. Arsenault** said that was his question. What would be the process of getting that done? **P. Frinsko** replied that the administrative code would have to be changed. **R. D. Martin** added that they'd have to take a look at that. He would be conferring with **G. LaPointe**. **G. LaPointe** replied that this is less controversial only in the short term. One has to go through the public process one way or the other. He believed how things would be handled next year would be the correct way. Move in a timely fashion so that emergency regulatory authority is not needed.

Ed Baum asked what the facts were. Were some Atlantic salmon actually caught or potentially killed? What was the nature of the opposition that was encountered? **J. Trial** said that the information ASC had from enforcement was that there were between two or three salmon killed in that stretch of the river this year. Not by catch and release, but by catch and disappear. **E. Baum** asked if this could theoretically be someone fishing for shad and accidentally caught a salmon and let it go? **J. Trial** agreed, saying there was some of that, but that this was actual poaching. There were also people who called and reported that they had been shad fishing and they caught a salmon. Both poaching and accidental catching occurred.

R. D. Martin said that the nature of the opposition that was heard was in the form of e-mails, phone calls and some correspondence. Basically, they were from anglers who suggested that this was just one less opportunity that they had to fish. No scientific evidence was presented, but just opposition to the lack of opportunity for fishing. **E. Baum** asked fishing for what? If one has been to the area, what is in there? Pickerel and a few shad. **J. Trial** agreed. She said that the issue was that after the shad run was over, people were still fishing for shad. The opposition was from fishermen who didn't want the opportunity to fish to be cut down. **G. LaPointe** said there were plenty of duffer fishermen, and he is one, who just liked to get out on a stretch of river and poke around. They liked to be close to their house, or camp and he believed that was where some of the opposition came from. It was understandable and predictable, but he felt the closing was legitimate. **R. D. Martin** added that when the Colonel, Andrea, Paul Jacques and he visited the site on their way back from Machias, there was a lady there who obviously lived in the area. She was very familiar with the allegations and the concerns. It was common knowledge there that a group of individuals were fishing there on a regular basis.

Andy Goode added that some of this was anticipated in the Maine Conservation Plan. It called for an increase in warden presence on some of the salmon rivers. He wasn't sure if that was funded. He believed that was part of the solution. If there were other areas that needed looking at, he felt that some of the group should get together over the winter to discuss it. The wardens did a great job in trying to track this down and help solve it. This may be the solution, rather than closure, on some of these rivers. Bringing more wardens into the picture over the winter would be good.

Agenda Item 5 – Response to first RFP for habitat grants

J. Trial referred to Attachment 3. There were six proposals as a result of the RFP. Funding available in 2003 was \$73,000. Based on the recommendations of the Grant Advisory Committee (GAC), full funding was approved for three projects: the Fernald Road Restoration Project – which is a bridge on the Kenduskeag Stream; the Branch Mills Sediment Reduction Project – which is a change in a small sediment input into the Sheepscot River; SVCA Habitat Acquisition and Protection Program – which is a combination of capacity work with SVCA plus KRIS Program. **J. Trial** asked **Melissa Halstead** to explain what KRIS is. From what **M. Halstead** understood, it is a database that is very user friendly. It contains a lot of information in a lot of different formats. It is not a typical Access database that is all data. KRIS has pictures and sound files and is meant to be a collection of all of the information out there on Atlantic salmon on the Sheepscot River. This included historical information, temperature data and smolt trap statistics. One stop shopping for lay people as well as the experts. **J. Trial** said ASC was

hoping this would be an excellent outreach opportunity to promote good stewardship in the Sheepscot, as well as some good sales on some easements and things like that.

P. Scida asked how much the grant money SVCA would receive. He believed through one of the NFWF grants and Wildlife funds, SVCA had applied for \$200,000 and only received about half. **J. Trial** replied that was correct and that this grant was for \$26,000. She also said that she was working with SVCA to try to identify additional sources of funding. ASC didn't have a lot to give. **P. Scida** was pleased, saying he knew SVCA had been talking with NFWF saying that this was an all or nothing project. **J. Trial** said SVCA did not have full funding for the project, but were looking at other sources. NOAA had some coastal GIS partner grant monies and she just passed that information along to them. SVCA was starting to look for additional sources to fund the project. It was all the same project, but SVCA was just going to have to piece together funding to get it done.

J. Trial said two proposals were approved conditionally. Additional information was needed. One was Palermo Bank, which is near the Palermo Hatchery. It is a slumping bank. The GAC was aware there have been a lot of previous assessments done they wanted that information presented. They also wanted the contractor identified for the geomorphology. They wanted a good assessment of it to know if there really was something new out there in terms of being able to deal with that problem. The Wheaton Property Purchase is on the Dennys River on the northwest bank next to the property that ASC already owns. There wasn't a specific budget request because they were just in the beginning process of negotiating the purchase. Better information was needed on that and information on what the survey is to see if it is going to be easy to carry forward or not. It is not a large piece of land. Finally, we asked that the Lawrence Property Purchase submitters come back to us with a lot more information because it was a very speculative proposal. **J. Trial** believed they just wanted to get their foot in the door.

G. LaPointe asked if the last two would be getting what was left over? **J. Trial** replied yes, they would. There is potential for NFWF match on each of the last two proposals. ASC would be doing just part of the cost share.

J. Trial apologized for not having the Fall Stocking Recommendations on the agenda. **G. LaPointe** asked to put them under Agenda Item 8 – Update on adult returns. The board agreed.

Agenda Item 6 – Recovery Plan

P. Scida gave a quick update. The draft recovery plan is in the clearance process with both NOAA and Fish and Wildlife. Fish and Wildlife needed to approve the plan regionally. NOAA it needed to approve it and it also need to be approved by headquarters. That meant first going through a regional process and then going down to Silver Spring. It had cleared NOAAs regional office and was down with their headquarters. **Mark Minton** and **P. Scida** are going down to headquarters the week of September 22, for a joint staff briefing with some of the NFWF staff. He wasn't sure if some of the regional staff were attending since this meeting was more for a staff briefing to make sure that staff is comfortable with everything. They have started going back and forth addressing some comments. After that, probably at the beginning of October, there will be a briefing for the whole northern region down in Silver Spring. That means the Notice of Availability will be published sometime in mid-October. There will be a 90-day public comment period, probably with two public meetings. Not hearings per se, but more meeting like with more dialogue. **G. LaPointe** asked where the meetings were anticipated to be? **P. Scida** replied perhaps in Augusta and one in Machias.

G. LaPointe stated that Ken Elowe and he had worked a lot with the services on the Recovery Plan. They had built into the process getting state and federal management agencies together yearly to look at the wish list of prioritizations because it is long. Looking at the annual work plan to continue working together. **P. Scida** said there is a lot of implementation. The public comment process includes public comment, technical review, and a peer review. He imagined one of the questions they would receive would be about implementation. What is the role of the TAC versus all the other groups? Those are questions that he believes to be somewhat up in the air. There will be some kind of recovery implementation. He believed they would gain a lot of insight into exactly how that will happen and who is going to be on it.

Agenda Item 7 – Report on West Greenland Atlantic Salmon Fisheries

P. Ruksznis reported on this item (Attachment 4). He was an invited sampler to Greenland sponsored by NOAA. August 11 was the first day the season was open for salmon fishing by the people of Greenland. The first day was spent making phone

calls to restaurants, hospitals, open markets, and other places that fishermen would be bringing in fish. Contacts were made. His actually sampling time there was about 14 days, with sampling over three standard weeks. There were seven days he actually saw fish out of those 14 days (Attachment 4). Some of the days he didn't see fish was due to bad weather. The best day was August 14, when he saw 138 fish. Some were from the open market and some from the hospital. Those were the places checked the most. The number of fish seen was 398. Twenty-eight of those fish were special ordered so that special kidney samples could be taken for Sharon McLean for disease sampling. The largest fish seen was 31.1 inches long and weighed 10.5 pounds. The smallest fish was about 20 inches long and weighed 3.2 pounds. The average length of all the fish was 24.4 inches and the weight was 5.5 pounds. The average of the disease sampled fish (those special ordered for the kidney samples) was about 24.5 inches in length, weighing about 6.2 pounds. Most of the fish came off the boats eviscerated. There were 12 A-clip fish. All the fish were scanned. There was one coated wire tag, one orange Elastomer tag – which most probably came for the U.S., and there were ten other fish that had clips, but no tags.

Having worked at the Veazie Trap, he knew the different processes and protocols that are gone through. They age the fish, take scales, and sex the fish so that they may take them to the hatcheries and know the numbers of fish they have. Therefore it was easy for him to take these Greenland fish and determine their sex. He saw 229 females and 159 males. The 26 confirmed females were fish from which tissue was removed for disease sampling and were confirmed by looking at internal characteristics. Other marks noticed were 3 seal bites, 2 lamprey wounds, 80 sea lice, and 1 with worms.

G. LaPointe wanted confirmed that the “disease” fish were those that were sampled for disease. **P. Ruksznis** stated that these fish were not picked for any special reason. They were ordered with everything intact so that he could sample them. **G. LaPointe** asked how extensive the sampling was over all. He stated he was more interested in the broad sampling than in the specific report, adding that he was not downplaying the information. Also, was there information on the magnitude of the catch in Greenland? **J. Trial** stated that essentially that was the first week. The second week sampling is just about over. There have been nearly 1,000 fish sampled, which is about the number that was sampled last year. She beloved the sampling was going pretty well. **G. LaPointe** asked about the geographic distribution of the samplers. **P. Ruksznis** referred to the map in Attachment 4 showing the areas in which it is broken into. In 1D is Nuuk, and that is where he was stationed. The fishermen primarily went south. Nuuk is the biggest town at approximately 15,000. Qaqortoq, in 1F, is where the Canadian sampler was over the two weeks **P. Ruksznis** was in Nuuk. **G. LaPointe** asked if at that time of the year the fish were in the southern part of Greenland. **J. Trial** stated it was hard to call based on the way the fishery has moved around a lot. Currently, however, the answer would be yes, the early part of the fishery tends to be in the southern part of Greenland.

Agenda Item 8 – Adult returns and stocking recommendations

J. Trial presented the adult returns in alphabetical order (Attachment 5). On the Androscoggin River, Brunswick Trap, two. On the Aroostook River, Tinker Trap, zero. Dennys River Weir, eight with one aquaculture suspect. Narraguagus River, Cherryfield Trap, 15. Pleasant River Weir, 2. One female just came in and was released upstream. Penobscot River, 1,069. That is less than 1998, but greater than every year since then. Saco River, Cataract Lift, 35. St. Croix river at Mill Town Trap, 12 plus four aquaculture fish. And the Union River, Ellsworth Trap, one. The one zero on the Aroostook was because at the St. John they were taking pretty much everything for brood. They weren't letting much up.

Attachment 6 is the Fall Stocking Recommendations. These were the parr that were a by product of smolt production on the Penobscot River. The estimated number is 300,000 and on the Dennys, 30,000. On the Kenduskeag Stream are 1,000 parr that are for a research project that relates to the Fernald Bridge and eventually associated habitat improvements. ASC talked about the project at the Signatories meeting for TAC. The Saco River has 20,000 parr. The St. Croix River has 18,600 and those are the ones grown by Lee Sochasky in Canada. ASC will be doing some paperwork so these will be stocked on the Maine side this year because access to the two areas where they will be stocked is easier to get to from the Maine. Below that are the distribution figures. **J. Trial** asked for the Boards approval for these recommendations.

THE BOARD UNANIMOUSLY PASSED THE STOCKING RECOMMENDATIONS. (3-0, MOTION BY PAUL FRINSKO, SECONDED BY R. D. MARTIN.)

G. Lapointe asked if the distributions varied a lot from last year. **J. Trial** replied that for the Penobscot and Dennys Rivers recommendations were the same as last years. The Kenduskeag Stream recommendation is new. ASC has not stocked parr in the Saco River for the last three years and the St. Croix numbers are very similar to previous years.

K. Castner asked if the 20,000 parr for the Saco River was part of the allocation for MariCal for the grant they were given. **J. Trial** stated no, that this was separate from that.

Agenda Item 9 – Any other matters brought before the board

No other matters were brought before the board.

G. LaPointe asked for a motion to move into Executive Session to discuss the selection of a candidate for Executive Director. **R. D. Martin** made the motion and **P. Frinsko** seconded. The board moved into Executive Session at 9:10 a.m. **G. LaPointe** noted the board would go immediately into adjournment, as he didn't anticipate any other action before the board.

G. LaPointe adjourned the meeting at 9:41 a.m.